

**MINUTES OF CITY COUNCIL REGULAR MEETING
CITY OF SAN MARCOS
JANUARY 17, 2012**

STATE OF TEXAS §
 §
COUNTY OF HAYS §

1. Present:

Mayor Daniel Guerrero

Council:

Shane Scott
Jude Prather
John Thomaides
Kim Porterfield
Ryan Thomason
Wayne Becak

City Staff:

James Nuse, City Manager
Laurie Moyer, Assistant City Manager
Michael Cosentino, City Attorney
Jamie Lee Pettijohn, City Clerk
Tammy Cook, Deputy City Clerk

2. Call to Order and Announce a Quorum is Present

With a quorum present, the regular meeting of the San Marcos City Council was called to order by Mayor Daniel Guerrero at 4:32 p.m. on Tuesday, January 17, 2012 in the Council Chambers of the City of San Marcos City Hall, 630 East Hopkins, San Marcos, Texas 78666.

3. Executive Session

Under the authority of Texas Government Code, Section §551.074-Personnel Matters, discuss City Clerk's 6 Month Evaluation, and under Section § 551.086 – Public Power Utility Competitive Matters, To deliberate regarding proposals received for Alternative Wholesale Power Supply.

4. Consider adoption or direction to Staff on matters discussed in Executive Session.

The San Marcos City Council reconvened into regular session at 6:01 p.m. on Tuesday, January 17, 2012. The City Council provided direction to staff to move forward with negotiating a contract with an alternative wholesale power supplier.

5. Quarterly Leadership Forum regarding current status of Strategic Initiatives and provide direction to Staff.

MOTION: Upon a motion made by Council Member Porterfield and a second by Council Member Thomason the City Council voted (7) for and (0) opposed to postpone the quarterly leadership forum until February 7, 2012. The motion carried unanimously.

6. Invocation

The City Council observed a moment of silence in lieu of a formal invocation.

7. Pledges of Allegiance – United States and Texas

Ben Murdoch, 5th grade at Hernandez Elementary led the assembly in the Pledge of Allegiance and the Texas Pledge.

8. 30 Minute Citizen Comment Period

Francis Breihan, 111 West Hillcrest, spoke against the Casey Development Project, and asked Council to vote against the project.

Kevin Romig, 101 Sierra Vista St, faculty at Txstate and vice chair for the HPC. Spoke against the Casey Development project, and asked that Council vote against the project.

Jane Hughson, 1600 N. LBJ Dr, looking forward to the State of the City, but the State of the City right now is not good with all the multi-family housing. She spoke against the Casey Development project and asked for Council to vote against the project.

Lee Ash-Cantu, 7107 Maverick Ct, Buda Tx, spoke against the Casey Development Project and asked that Council vote against the project.

Patricia Alba, 107 Norcrest, spoke against the Casey Development project, and asked that the Council vote against the project.

Ted Breihan, 111 West Hillcrest, provided a written statement.

Buck Scheib, 503 Loquat, spoke in favor of the Casey Development Project and asked for Council's positive consideration on the project.

Elena Duran, 1133 Lago Vista, thanked the Council for the renaming of the Park in the Hills of Hays neighborhood to Captain Paul Pena Park.

Zachary Schwartz, 101 W. Mimiosa Circle, provided a written statement.

CONSENT AGENDA

9. Consider approval of the January 3, 2012, Regular Meeting Minutes.

10. Consider approval of Ordinance 2012-03, on the second of two readings, approving the abandonment of a 0.203 acre, more or less, portion of Live Oak Street, commonly known as Acorn Street, from its intersection with Chestnut Street to its intersection with West Sessom Drive in connection with the Chestnut Street Lofts PDD Development; approving the conveyance of this abandoned street section to the owner of abutting lots; authorizing the City Manager to execute deeds to such abutting lot owner upon payment of the fair market value of said abandoned street section; and declaring an effective date.

11. Consider approval of Ordinance 2012-05, on the second of two readings, amending the City's 2011 -2012 budget to budget expenditures in the total sum of \$32,517.67 from state seized asset funds to provide funding for forensic laboratory services under an interlocal agreement with the City of Austin, Texas; and providing an effective date.

12. Consider approval of Ordinance 2012-04, on the second of two readings, changing the rate for customers for once per week collection of residential solid waste and single stream recycling service from \$15.51 to \$16.28 per month, and increasing the rate for single stream multi-family recycling service from \$4.40 per month to \$4.62 for such service; approving the Texas Disposal Waste 2012 contract rates; including procedural provisions; and providing an effective date.

13. Consider approval of Ordinance 2012-06, on the second of two readings, amending Section 14.292(18) of the San Marcos City Code that prohibits Sub-Metering of Electrical Service to provide an exception for Portable Food Service Locations; including procedural provisions; and declaring an effective date.

14. Consider approval of Resolution 2012-04R approving the purchase of a one and a half ton crew truck from Griffith Auto LLC., DBA Griffith Ford San Marcos, in the total amount of \$63,593.88 for the Public Services Department, Electric Utility Division; authorizing the Purchasing Manager to execute the appropriate purchasing documents on behalf of the City and declaring an effective date.

15. Consider approval of Resolution 2012-05R approving the purchase of five (5) Police Full Size Pursuit Utility Vehicles for the Police Department from Caldwell Country Chevrolet in the total amount of \$129,680.00, and one (1) Police Full Size Pursuit Sedan for the Police Department from Holiday Chevrolet in the amount of \$21,085.00; authorizing the Purchasing Manager to execute the appropriate purchasing documents on behalf of the City and declaring an effective date.

16. Consider approval of Resolution 2012-06R, approving a format for Subrecipient Agreements for Community Development Block Grant (CDBG) funds; authorizing the City Manager to execute these agreements on behalf of the City and declaring an effective date.

MOTION: Upon a motion made by Council Member Thomaides and a second by Council Member Prather the City Council voted (7) for and (0) opposed to approve the consent agenda as presented. The motion carried unanimously.

PUBLIC HEARINGS

17. 7:00PM Receive a Staff presentation and hold a Public Hearing to receive comments for or against Ordinance 2011-76 related to the Casey Development Project, formerly referred to as the North Campus Housing Development, approving an amendment to the Future Land Use Map of the City from "LDR" Low Density Residential to "MU" Mixed Use for 14.228 acres of land, more or less, consisting of 7.826 acres, more or less, out of the Park Addition, including Lots 36, 37, 38, 54, 57, 58, 53, 55, 56, 59, 60, 61, 62, part of Lots 63, 41, 50, 51, part of Lots 42, 43, 44 and 52, and part of Lots 39 and 40, 4.216 acres, more or less, out of the Thomas J. Chambers Survey, Abstract 2, Tract 232, and 2.186 acres, more or less, of existing Public Rights-Of-Way; amending the Official Zoning Map of the City by rezoning said tracts of land from "SF-6" Single-Family Residential District to "PDD" Planned Development District with base zoning of "MU" Mixed Use District; approving Planned Development District standards for the District; including procedural provisions; and providing for penalties; and consider approval of Ordinance 2011-76.

Matthew Lewis, Development Services Director, provided a presentation regarding the rezoning request and provided Planning and Zoning's recommendation.

Ed Theriot, ETR Development, provided the Council with a brief presentation on the project.

Following the presentation Mayor Guerrero opened the Public Hearing at approximately 7:20 p.m.

Jim Garber, 104 Canyon Fork, Handed out a handout regarding illegal spot zoning, and spoke against the Casey Development Project and asked that Council not approve the project.

Lisa Prewitt, 619 Maury St, Spoke against the project and asked that the Council vote no on the Casey Development Project.

Melissa Derrick, 109 Kathryn Cove, spoke against the Casey Development Project and asked the Council to support a moratorium on rezoning single family neighborhoods for multi-family.

Larry Mock, 107 Canyon Rd, recited the Preamble to the Constitution and the Declaration of Independence. Spoke against the Casey Development Project and asked that the Council vote no on the project.

David Wendel, 118 E. Holland, spoke against the Casey Development Project and asked Council to deny the rezoning request.

Dianne Wassenich, 11 Tanglewood, spoke regarding the river report that she submitted from Dr. Ross, and asked that the Council not approve the rezoning request.

Jay Hiebert, 209 W. Sierra Circle, part of the Protect San Marcos Citizens Group and addressed the safety of the street front of this project. He spoke against the Casey Development Project and asked that the Council deny.

Anne Sergi, 904 Burlison St, asked that the Council protect the River. Spoke against the Casey Development Project and asked that the Council deny this project.

Jazzlynn Derrick, 109 Kathryn Cove, asked that the Council protect the River and spoke against the Casey Development Project, and asked that the City Council deny this project.

Natalie Ray Prewitt, 619 Maury St, asked that the Council protect the River, and spoke against the Casey Development Project, and asked that the City Council deny this project.

John P. Crowley, 111 Mandalay, spoke against the Casey Development Project and asked that the City Council deny the project. Believes that it's a good project, but it's a bad location.

Don Eyssen, 200 Orchard, spoke against the Casey Development Project and asked that Council deny the project.

Gena Fleming, 1013A Dartmouth, stated her frustration with the rendering of the project. She continued to speak against the Casey Development Project and asked Council to deny the rezoning.

Nancy Moore, 15 Tanglewood, spoke against the Casey Development Project and asked that Council deny the project. She also mentioned the petition being circulated regarding the moratorium of Multi-family developments in Single family neighborhoods.

Kyle Mylius, 1022 W. MLK Dr, spoke against the Casey Development Project due to the location and the traffic dangers this project would create, and asked that the Council deny this project.

Kevin Beahan, 936 Cheatham St, spoke against the Casey Development Project due to the increased traffic concerns, and asked that the Council to deny this project.

David Sergi, 904 Burlison, spoke against the Casey Development Project and asked the Council for leadership and to deny this project.

Jaimy Breihan, 134 E. Hillcrest, spoke against the Casey Development Project and asked that Council deny the project.

Patrick Duran, 110 W. Hillcrest Dr, spoke against the Casey Development Project and asked that Council deny the project.

Sherwood Bishop, 124 Elm Hill Court, presented Council with a photograph that shows a rendering more closely related to what the project will actually look like with the development on the hillside. Explained the aerial photograph, and spoke against the Casey Development Project and asked that Council deny the project.

Patrick Montgomery, 743 Centre Street, spoke against the Casey Development Project and asked that Council deny the project.

Nikkye Vargas, 1113 Haynes St, spoke regarding the protection of the River. She spoke against the Casey Development Project and asked that Council take the time to protect its natural resources and for them to deny the project.

Tammy Allen, 200 Ridgeway Dr, thanked the Council for their time, and spoke against the Casey Development Project and asked that Council deny the project.

John Meadows, 315 Yale St, spoke against the Casey Development Project specifically regarding the traffic impact that would negatively affect the area. Asked the Council to deny and stated that it was just not in the right place.

Ollie W. Giles, 524 Valley St, spoke against the Casey Development Project and asked that Council deny the project.

Vincent DeBroch, 100 W. Hillcrest Dr, spoke regarding the preservation of the trees and environment in this area. He continued to speak against the Casey Development Project and asked the Council to deny the project.

Carter Morris, 16 Greenpoint, spoke for the Casey Development Project and the location and asked Council for positive consideration.

Rebecca Basnich, 2504 E. 11th St, Austin, TX, provided a letter to the Council addressed to Dianne Wassenich with San Marcos River Foundation, from Glen Rose Engineering regarding the environmental impacts that this project will have. The increased storm water runoff will reduced ground water infiltration and reduce the creek flows.

Kenneth Deeds, 1412 Alamo St, spoke against the Casey Development Project and asked that the Council deny the project, and to place a moratorium on multi-family development in San Marcos.

Rachel Betts, 1806 Waco St, spoke against the Casey Development Project and spoke for the protection of the River and the protection of our ecosystems.

Lauren Hoffman, 801 Bluebonnet, spoke against the Casey Development Project, the environmental impacts and the traffic impacts that this project will cause.

Sam Huenergardt, 3100 Summit Ridge Dr, spoke for the Casey Development Project and the positive economic impacts that this project will create. He asked that the Council show positive consideration towards this project.

Linda Hopson, 102 Canyon Fork, spoke against this the Casey Development Project and stated that the growth needed to stop and asked the Council to deny this project.

Debbie Harvey, 1116 Mountain View, asked the Council to represent the Citizens of San Marcos as they were elected to do and vote no against the Casey Development Project.

Lupe Carbajal, 125 N. Guadalupe, spoke in favor of the Casey Development Project and spoke about the development in the community, stating that it is necessary.

Jaime Bigelow, 229 Trestle Tree, spoke in favor of the Casey Development Project and the eyes of the business community will be watching. The development will come, but lower quality development will come in there.

Chad Williams, 2400 hunter Rd, spoke against the Casey Development Project and asked the Council to vote against the project.

Jill Keith, 200 Orchard St, spoke against the Casey Development Project, and asked that the Council to vote against the project.

Kyle Finley, inaudible address, spoke against the Casey Development Project, and asked the Council to vote against the project.

Patrick Rose, 627 W. San Antonio St, spoke in favor of the Casey Development Project and asked that Council look on it favorably.

Michelle Bussemey, 2608 Greenleaf, SMRF President, Keep San Marcos Beautiful, spoke against the Casey Development Project and asked that Council deny the project.

Earl Ingram, 2135 Post Rd, spoke against the Casey Development Project and asked that Council deny the project.

Jennifer Jensen, 203 Oak Ridge Dr, spoke against the Casey Development Project and asked the Council to stop this land use conversion.

Ryan Perkins, 727 W. Hopkins, spoke in favor of the Casey Development Project and asked for Council to have positive consideration on the project.

Layne Duesterhaus, 600 N. Comanche, spoke against the Casey Development Project and spoke about the negative impacts that this project will have on this river and traffic.

Wendy Copeland, 821 Gracewood Circle, spoke against the Casey Development Project and asked Council to deny the project to protect the river.

Darren Casey, Austin, TX, thanked the Citizens for this process and believed the process has made him a better developer. He spoke about the environmental protections that this project has taken and that this project is sustainable in the location that it is in. He asked for positive consideration for his project.

Justin F, inaudible address, spoke against the Casey Development Project and asked that the Council deny the project.

Devin Hussey (spelling?), 1800 Alpine Trail, spoke against the Casey Development Project, and asked Council to deny the project.

Inaudible female name, 1511 Old Ranch Road 12 spoke against the Casey Development Project and shamed Council for previous decisions they have made, she asked the Council to deny the request.

Gary Jones, 107 E. Holland St, spoke against the Casey Development Project and asked Council to deny this project and protect River.

Jackson Bradford, 1323 Franklin St, spoke against the Casey Development Project and asked Council to deny this project and protect the River.

There being no comments, the Public Hearing was closed at 9:50 p.m.

MOTION: Upon a motion made by Council Member Scott and a second by Council Member Prather the City Council voted (2) for and (4) opposed, Council Members Scott, Thomaides, Porterfield and Mayor Guerrero, to approve Ordinance 2011-76, as previously captioned. The motion failed.

NON-CONSENT AGENDA

18. Reconsider Ordinance 2012-01, approving an amendment to the Future Land Use Map from "LDR" Low Density Residential to "MU" Mixed Use for a 0.275 acre, more or less, tract of land located at 301 Second Street; amending the Official Zoning Map of the City by rezoning this tract from "SF-6" Single-Family Residential District to "MU" Mixed Use District; and including procedural provisions.

No action taken.

19. Reconsider Ordinance 2012-02, approving an amendment to the Future Land Use Map of the City from "LDR" Low Density Residential to "MDR" Medium Density Residential for a 10.347 acre, more or less, tract of land out of the amending plat of Blocks E, F, H and I of the Blanco River Village Section One Subdivision located east of Shadow Point along Rush Haven and north of Trestle Tree; amending the development standards and concept (land use) plan for the Blanco River Village Planned Development District "PDD" consisting of 103.788 acres of land, more or less, in the 1400 through 1900 blocks of State

Highway 21 as originally approved by Ordinances numbered 2004-61 and 2008-49; including procedural provisions; and providing for penalties.

No action taken.

20. Consider approval of Resolution 2011-160R approving a Memorandum of Understanding between the City of San Marcos and Casey Development, Ltd., that establishes processes for the possible consideration in the future of the abandonment of portions of Public Rights-Of-Way within the project site for the Casey Development Project, formerly referred to as the North Campus Housing Development off of Sessom Drive, and for the dedication of easements and water utility infrastructure to the City; authorizing the City Manager to execute said agreement; and declaring an effective date.

MOTION: Upon a motion made by Council Member Porterfield and a second by Council Member Scott, the City Council voted (7) for and (0) opposed, to postpone Resolution 2011-160R, as previously captioned indefinitely. The motion carried unanimously.

21. Consider approval of Resolution 2012-07R approving an Interlocal Agreement with the Edwards Aquifer Authority pursuant to which the Authority will contribute funding to the City in the amount of \$250,000.00 toward the purchase of 107 acres of land for the expansion of the Purgatory Creek Preserve greenspace, subject to the terms of a conservation easement that will restrict the uses of the property to primarily passive recreational uses; authorizing the City Manager to execute said agreement; and declaring an effective date.

MOTION: Upon a motion made by Council Member Porterfield and a second by Council Member Thomaides, the City Council voted (4) for and (2) opposed, Council Members Scott and Thomason, (1) abstained, Council Member Prather abstained to avoid the appearance of impropriety, to approve Resolution 2012-07R, as previously captioned. The motion carried.

22. Consider approval of Resolution 2012-08R approving an Agreement of Sale with the Trust For Public Land for the City to purchase 107 acres of land for the expansion of the Purgatory Creek Preserve greenspace at a price of \$1,600,000.00; authorizing the City Manager to execute said agreement and related closing documents; and declaring an effective date.

MOTION: Upon a motion made by Council Member Scott and a second by Council Member Thomaides, the City Council voted (4) for and (2) opposed, Council Members Scott and Thomason, (1) abstained, Council Member Prather abstained to avoid the appearance of impropriety, to approve Resolution 2012-08R, as previously captioned. The motion carried.

23. Consider approval of Resolution 2012-09R authorizing the City Manager to represent the City of San Marcos in its application for a grant from the Bureau of Reclamation for Development of a Feasibility Study under the Title XVI (16) Water Reclamation and Reuse

Program; to enter into a contract with the Bureau of Reclamation if awarded; to work with the Bureau of Reclamation to meet established deadlines for entering into a cooperative agreement; and committing funds from the adopted FY2011-2012 City Budget; and proving an effective date.

MOTION: Upon a motion made by Council Member Porterfield and a second by Council Member Scott, the City Council voted (7) for and (0) opposed, to approve Resolution 2012-09R, as previously captioned. The motion carried unanimously.

24. Consider approval of Resolution 2012-10R approving the renaming of Hills of Hays Park to Captain Paul Pena Park; authorizing the City Manager to install any signs and plaques of recognition reflecting the new name of the park as may be appropriate; and declaring an effective date.

MOTION: Upon a motion made by Council Member Prather and a second by Council Member Thomason, the City Council voted (7) for and (0) opposed, to approve Resolution 2012-10R, as previously captioned. The motion carried unanimously.

25. Discuss and Consider Appointments to the Capital Area Council of Governments (CAPCOG) General Assembly and Clean Air Coalition Advisory Committee, and provide direction to staff.

MOTION: Upon a motion made by Council Member Porterfield and a second by Council Member Becak, the City Council voted (7) for and (0) opposed, to approve the appointment of Mayor Guerrero and Council Member Thomaides to the CAPCOG General Assembly and Council Member Scott to the Clean Air Coalition. The motion carried unanimously.


26. Discuss and consider the appointment of a City and County mutually agreed upon fifth member to the TIRZ No. 5 Downtown Board of Directors.

MOTION: Upon a motion made by Council Member Porterfield and a second by Council Member Thomaides, the City Council voted (7) for and (0) opposed, to approve the appointment of Dr. Ed M Mihalkanin as the City and County's mutually agreed upon representative. The motion carried unanimously.

27. Question and Answer Session with Press and Public. This is an opportunity for the Press and Public to ask questions related to items on this agenda.

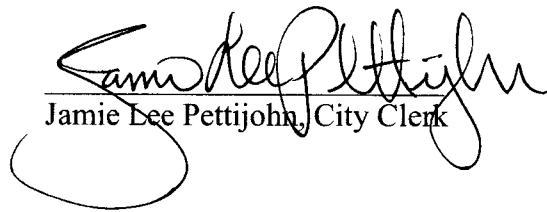
28. Adjournment.

MOTION: Upon a motion made by Council Member Thomason and a second by Council Member Prather, the City Council voted seven (7) for and none (0) opposed, to adjourn the regular meeting of the San Marcos City Council at 11:15 p.m. on Tuesday, January 17, 2012. The motion carried unanimously.



Daniel Guerrero, Mayor

Attest:



Jamie Lee Pettijohn, City Clerk